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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,126

03/22/2004

Thomas William Patterson

8906

7590 02/01/2008  
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SAN ANTONIO, TX 78233

EXAMINER
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ALI, MOHAMED HATEM

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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02/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/805,126

Applicant(s)

PATTERSON, THOMAS WILLIAM

Examiner

Mohamed H. Ali

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. The following is a **Final Action** on merits in connection with the communications received on 7/5/2007 and 7/20/2007.

### *Acknowledgement*

2. There were no direct remarks to the office action with claim rejection. In addition abstract and specification were revised and one new dependent claim was added, as I understand, without any reference or remarks to the office actions.

However, revised **abstract** and **specification** have been entered. One new dependent **claim 2** is also entered. As such **claims 1-2** are pending.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 1-2** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Welch** et al(4,020,612) in view of **Kelly** et al (6,854,219).

**As per claim 1, Welch** discloses a means of structural support (a building structure **10**) for masonry units (see **col. 3**, lines 60-68; bricks) a wall opening (building structure **10** having a typical opening **11**) where the units are directly and mechanically attached to a member (Plate **14** of lintel **12**) located within the masonry joint and recessed from the surface, said member (**14**) in turn connecting to a support beam (see **col. 2**, lines 65-68; via rigidifying beam **16**) which is located wholly behind the masonry veneer (bricks from sides).

**As per claim 1, Welch** discloses that a lintel structure for masonry units over a wall opening (see **col.2**, line 44-45; via the lintel structure **12** and commonly doorway or **window** opening **11**) consisting of a plurality of perforated suspension members that are attached to masonry units with a threaded anchor; said suspension member, in turn being fastened to a support beam that is contained completely within the wall cavity.

**Welch** fails to disclose explicitly a plurality of perforated suspension members that are attached to masonry units with a threaded anchor; said suspension member, in turn being fastened to a support beam that is contained completely within the wall cavity.

However, **Kelly**, being in the same field of invention, discloses a plurality of perforated suspension members (see **Fig.2.** via Plate **H** with holes implied perforation) that are attached to masonry units with a threaded anchor (**Fig. 2** via stritching rod **10.**; said suspension member, in turn being fastened to a support beam (**Fig.2;** via Spine

member **S** that is contained completely within the wall cavity (see **Fig.2** and **Fig.6**; via masonry and brick covered lintel implied and inherently a section of arch may work as a horizontal lintel on the doorways).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the disclosure of **Welch** and to include the feature mentioned above as taught by **Kelly** to facilitate to cover the lintel structure within the wall cavity.

**As per claim 2, Welch** fails to disclose explicitly the step of the improvement where a connection strut channel is continuously attached to the support beam, as a means of connecting the perforated suspension member that allows minute adjustment of the location of the suspension member along the axis of the support beam.

However, **Kelly** being in the same field of invention discloses the step of the improvement where a connection strut channel is continuously attached to the support beam (**Fig.2** and **Fig.6**; via U-shaped slots **16** of plate **H**), as a means of connecting the perforated suspension member that allows minute adjustment of the location of the suspension member along the axis of the support beam (**Fig.2** and **Fig.6**; via plate **H** with its core and slots **16**, in turn adjustable along the support beam and carrying brick).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the disclosure of **Welch** and to include the feature mentioned above as taught by **Kelly** to facilitate quick and easy adjustment of suspension members for flexibility.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Drayer*** (2,361,828) discloses the horizontal lintels for horizontal arches of building openings which are light in construction by anchoring means for concealment of lintel structure.

***Klaber*** (2,325,614) discloses durability of lintel structure from weather and appearance of building.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed H. Ali whose telephone number is 571-270-3021. The examiner can normally be reached on 8.00 to 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA

Mohamed H Ali  
Examiner  
Art Unit 3692

Harish Dass  
Primary Examiner  
AU 3692

*Harish T Dass*